

REMARKS

1. In the above-captioned Office Action, the Examiner allowed claims 12, 15-17, 19, and 20. Claims 3, 13, and 18 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-4, 7, and 8, were rejected under 35 U.S.C. §102(e) in view of Rueger (U.S. Patent No. 6,712,047). Claim 9 was rejected under 35 U.S.C. §103(a) in view of Rueger. Claims 5 and 6 were rejected under 35 U.S.C. §103(a) given Rueger in view of Bunch, Jr. et al. (U.S. Patent No. 5,000,043). These rejections are traversed and reconsideration is hereby respectfully requested.

2. Claim 13 was rejected under 35 U.S.C. §112, second paragraph. Claim 13 is amended above for correct dependency and is now in accordance with the requirements of 35 U.S.C. §112, second paragraph.

3. Claims 3 and 18 were rejected under 35 U.S.C. §112, second paragraph. The Examiner points out that if the chamber 217 is a combustion chamber of an engine as claimed, then the question arises as to how and why drain lines 221 would be connected to a combustion chamber. The specification clearly supports both a chamber in an apparatus outside an engine, as well as a chamber that is a combustion chamber in an engine. In the case when the chamber is not a combustion chamber, drain lines may be required to drain fluid collected in the chamber.

In the case when the chamber is a combustion chamber of an engine, a person of ordinary skill in the art would know how to employ an injector test apparatus as shown in FIG. 2 by using a combustion chamber of the engine as the chamber 217. A person of ordinary skill in the art would know that in an internal combustion engine the drain lines 221 are not required because fuel injected by the fuel injector into the combustion chamber will combust and requires no draining. Even so, other elements shown in FIG. 2 may be used to test the injector in accordance with the invention. Moreover, drain lines are not claimed in claim 3, or claim 18, or in any preceding claim that either of these claims depends on.

Additionally, the specification as originally filed clearly states that "When the apparatus is a test engine, the fuel rail 207 may be connected to more than one fuel injector..." [paragraph 14, lines 4 and 5], in support that the test apparatus

may be an engine. Thus, claims 3 and 18 are in compliance with 35 U.S.C. §112, second paragraph.

4. Claims 1-4, 7, and 8, were rejected under 35 U.S.C. §102(e) in view of Rueger.

The Rueger reference

Rueger teaches a method for determining the rail pressure for an injection system. In FIG. 1, Rueger shows an injector (1) having a needle (11) and a fluid cavity (area surrounding the needle 11). A supply line (9) and a high-pressure release channel (13) are in fluid communication with the cavity in order to supply same with the fuel that will be injected by the fuel injector. The sensor (D) measures inlet fuel pressure to the injector, upstream of the nozzle in a direction of fuel flow to the injector.

Therefore, Rueger teaches measurement of the supply pressure of fuel to an injector, at a location upstream of the injector's nozzle, and not pressure at the nozzle of an injector of fuel being injected from the injector. Rueger does not teach having an orifice disposed *in the nozzle* as stated in claim 1, because the orifice (8) is located in the supply line (9) and not in the nozzle (bottom of FIG. 1).

Hence, the applicant respectfully submits that independent claim 1, along with claims 2-4, 7, and 8 that depend therefrom are allowable over Rueger and may be passed to allowance.

Furthermore, claims 2-4, 7, 8, 16, and 18, are dependent upon an independent claim that is shown to be allowable. For all these reasons, the dependent claims are themselves allowable.

5. Claim 9 was rejected under 35 U.S.C. §103(a) in view of Rueger. Claim 9 depends from claim 1 which has been shown to be allowable over the Rueger reference and is, thus, itself allowable.

6. Claims 5 and 6 were rejected under 35 U.S.C. §103(a) given Rueger in view of Bunch, Jr. et al. Even if one were to combine the pressure control valve or the flow metering unit taught by Bunch with the teachings of Rueger, the resulting

combination would fail to yield the invention as claimed because Rueger does not teach the unique subject matter of independent claim 1 as shown above.

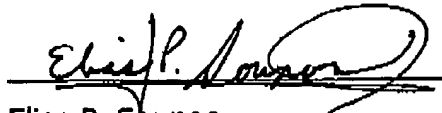
Moreover, claims 5 and 6 are dependent upon an independent claim that is shown to be allowable. For all these reasons, these dependent claims are themselves allowable.

7. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 1-9, 13, and 18 is hereby respectfully requested.

Respectfully submitted,

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